TOWN OF CALABASH PLANNING & ZONING BOARD REGULAR MEETING Monday, October 7, 2013—7:00 PM

MINUTES

The Calabash Planning & Zoning Board (PZB) held their Regular Monthly Meeting on Monday, October 7, 2013 at 7:00 PM in Sanborn Hall, located at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Climer, Vice Chairman John Thomas, ETJ Member Clare Leary, Town Member Commissioner DiStasio, and Town Member Mark Pero.

MEMBERS ABSENT: Town Member Charlie Daniels.

STAFF PRESENT: Town Attorney H. Mac Tyson, Town Administrator Chuck Nance, Town Clerk Kelley Southward, Building Inspectors/Code Enforcement Officers Stanley Dills and Mike Edwards.

GUESTS: Commissioner Daria Buccilli and Vaughn Stanaland (Mr. Stanaland arrived at approximately 7:10 PM).

CALL TO ORDER/PLEDGE/ROLL CALL: Climer called the meeting to order at 7:00 PM and led everyone in the Pledge of Allegiance to the Flag. Roll Call of members was taken; attendance is reflected above.

APPROVE/ADJUST AGENDA: Commissioner DiStasio moved to approve the agenda, as written, seconded by Mr. Pero and unanimously carried.

APPROVE/ADJUST MINUTES: Commissioner DiStasio moved to approve the minutes of the Regular Meeting of September 3, 2013; seconded by Mrs. Leary and unanimously carried.

PUBLIC COMMENTS: none forthcoming.

OLD BUSINESS:

1. Discussion & Action, as necessary: review draft guidelines and standards for mobile homes or other used dwellings that are relocated to Calabash from other jurisdictions as prepared by staff from the direction provided by the PZB on 9-3-13; make a recommendation to the Board of Commissioners, if necessary.

Mr. Dills had prepared a list of nine guidelines/conditions for used manufactured homes and other used buildings moved into Calabash's jurisdiction (a copy of the guidelines/conditions are attached hereto and made a part of these minutes). The Clerk noted that a former PZB member/Commissioner and current resident had reviewed Mr. Dills' list and provided comments on the nine guidelines and added several more for the PZB's consideration; the PZB was given a

copy of these 15 items from Mr. John Melahn. Ultimately, after reviewing both lists of guidelines carefully the PZB felt that the nine provided by Mr. Dills' were sufficient and included the following adjustments:

- #1-in the second sentence add the word "current" before the word "code" so that the second sentence reads: "If repairs are required to bring the roofing in compliance with **current** code, partial repairs may be provided the cost of such repairs does not exceed 40% of the cost for total replacement."
- #5-in the second sentence add the word "damaged" before the word "fixtures" so that the second sentence reads: "No peeling paint, loose siding, etc., missing caulking, broken lighting or other **damaged** fixtures shall be allowed."
- #7-in the first sentence changed the word "slopes" to "sloped"
- #9-add the word "existing" before the word "work" so that #9 reads: "Depending on the situations(s), other professionals such as architects, engineers, licensed contractors (all trades) may be required to perform evaluations of systems or **existing** work that may be in questions."
- Provisions should be added either in the introduction paragraph or as an additional number in the list that the owner must provide evidence that a home inspection has been completed by a home inspector and a zoning permit obtained from the Town of Calabash prior to moving the structure into Calabash's jurisdiction.

Commissioner DiStasio moved to table this item; staff should prepare the changes suggested by the PZB and determine which section of the code the provisions should be included in and bring the amendment back to the PZB for their Regular Meeting on November 4, 2013; seconded by Mr. Pero and unanimously carried.

2. **Action Item**: Consider a revision to lot 306/Phase 7-1-A of Devaun Park (TOC Map #3)

Upon beginning consideration of the remaining agenda items (Old Business #2—New Business #1) the PZB noted that in May of this year these plats (or at least the 7 items of Old Business) came before the PZB for consideration after holding a workshop in April to gain clarification of the maps. During the May 6, 2013 regular meeting of the PZB the PZB members noted that they had no problems with the plats other than it appeared as though Stanaland Stewart Company LLC (SSC) no longer owned any properties in Devaun Park because at that meeting (on May 6th) the PZB was provided Report of Sale Notices and Confirmation of Sale documents from the Brunswick County Sheriff's Department and Clerk of Superior Court that 75 lots plus all common area, streets and right of ways (76 properties in all) that SSC owned had been sold on the court house steps during a Sheriff's Sale to MGSS LLC on May 2, 2013 (just 4 days before the PZB meeting). The PZB noted that the plats included on the remainder of this evenings Old Business agenda were some of the same plats and they still had no problems with the plats other than that the owner is still noted as SSC LLC. Town Attorney Tyson was asked to address the PZB.

Mr. Tyson said that nothing has changed since May. Deeds in the new owner's (MGSS) have yet to be recorded. There is still a judgment (from a court order) in effect for over \$300,000 on the 76 properties. He said that based upon the court documents available the owner is MGSS LLC not SSC LLC. He noted that an officer of MGSS could sign the existing plats so that the

PZB could consider the plats for action. Mr. Tyson said that Mr. Stanaland's attorney about an hour before the start of this meeting, sent to him a Sheriff's Deed for 24 of the 76 properties that were sold on May 2nd but none of the 24 properties in that deed are the properties included on this evening's agenda. Mr. Tyson's advice remained the same from May; the plats are incorrect because they do not show the correct owner of record.

Mr. Stanaland was recognized to address the Board. He stated that after the Sheriff's Sale MGSS LLC said that they only wanted the 24 lots included in the deed Mr. Tyson mentioned. He further stated that they do not want the remaining 52 lots and never will and the deed of record shows that SSC LLC owns these 52 parcels many of which are included on the agenda this evening.

After a lengthy back and forth the PZB members were all in agreement with the Town Attorney. Which is to say that based upon the information in front of them SSC LLC does not own any of the properties in Devaun Park. They noted that this issue could be solved if an officer of MGSS LLC would just sign the plats as the owner. Upon query, Mr. Stanaland confirmed that MGSS LLC is owned by his wife but that he is neither an officer nor an authorized signature of that company. He did not think it was possible that an officer of the company would sign the plats but held that MGSS LLC wanted nothing to do with the remaining 52 properties. Finally, Mr. Stanaland asked if a quit-claim deed from MGSS LLC stating that if they hold any interest in the properties they deed it over to SSC LLC would suffice. Mr. Tyson advised the Board that a quitclaim deed, prepared correctly and filed should suffice. Mr. Stanaland asked if it had to be filed; Mr. Tyson said that it would need to be filed to be of record. Mr. Stanaland said that he would have his attorney let Mr. Tyson see the quit-claim deed before filing to make sure it meets the needs of the Town. Commissioner DiStasio moved to table Action Items Old Business 2, 3, 4, 5, 6, 7, & 8 and New Business Item #1; seconded by Mr. Thomas and carried by way of a unanimous vote. Mr. Tyson informed that Board that he will report any information to the PZB as it comes to him through Town Administrator Nance.

- 3. **Action Item:** Consider designating 4 parcels in Phase One of Devaun Park as Common Area/Open Space; Tax ID#s 255HB00106, 255HB00108, 255HA00104, & 255HA00105 (TOC Map #10)
- 4. **Action Item:** Consider combination of 4 parcels in Devaun Park into one parcel-Tax ID #s 2550002844, 2550002845, 2550002846, & 255HE011 and designate as Common Area/Open Space; Revise the right-of-way (ROW) of South River Terrace SW; and revise the ROW of Devaun Point Circle (TOC Map #8)
- 5. **Action Item:** Consider designation of Common Area/Open Space of Tax ID# 262AA00102 located in Phase 8 of Devaun Park and to establish ROW limits on the same parcel (TOC Map #7)
- 6. **Action Item:** Consider changes in Devaun Park near Devaun Lake-(1) revising the ROW of East Lake Road; (2) establish the limits of the alley north of lot 400; (3) combine a portion of East Lake Road ROW with parcel #262AA0010 & designate the recombined parcel as Common Area/Open Space; & (4) designate parcel #255JD00101 as Common Area/Open Space (TOC Map #6)

- 7. **Action Item:** Consider designating portions of Tax Parcel ID #s 262AA00101 and 262AA00102 in Devaun Park as Common Area/Open Space (TOC Map #5)
- 8. **Action Item:** Consider designating Tax Parcel ID #255JB00106 as Common Area/Open Space-Dever Park 1.01 acres in Devaun Park (TOC Map #12)

NEW BUSINESS:

1. **Action Item:** Consider plat for Revised Lot 56 & 57 of Devaun Park-Phase One, Section One. (TOC Map #15)

BOARD COMMENTS: None forthcoming

Kelley Southward, Town Clerk

ADJUORN: Commissioner DiStasio moved to adjourn at 8:0 unanimously carried.	00 PM; seconded by Mrs. Leary and
(SEAL)	
	Sonia Climer, Madam Chairman
Attest:	